



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 30/06/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8473 of 2021

R.Nithi @ Neethi Rajan

... Petitioner/Accused No.6

Vs

The State through
The Inspector of Police,
Avaniyapuram Police Station,
Madurai City.
Crime No. 1750 of 2020.

... Respondent/Complainant

For Petitioner : Mr.S.Malaikani for
M/s.S.Rajasekran @ Ragavan,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

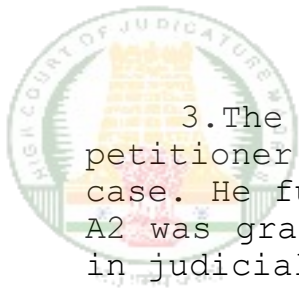
PRAYER :-

To release the Petitioner/Accused No.6 on bail in the case in SC.No.50 of 2021 pending on the file of the Honorable IV Additional District and Sessions Court, Madurai.

ORDER : The Court made the following order :-

The petitioner/A6, who was arrested on 26.06.2020 for the offences punishable under Sections 147,148 and 302 of IPC @ 147,148,302,120(B), 109,149,341 of IPC and Section 34 of IPC in Crime No.1750 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there is a previous enmity between the deceased and the first accused in this case. In the year 2019 Avvamuthuselvam and his friends murdered one Mari the brother of the first accused. Since then there was threat to the life of the deceased. Due to this previous enmity, on 21.06.2020 at about 5.45 pm.,when Avvamuthuselvam and his friends were coming in a two wheeler near Pathirakaliamman temple the accused Neethi, Anbu, Muthuraja, Karki, Batcha @ Saravanan at the instigation of the first accused attacked Avvamuthuselvam with sword and knife, severed his head and threw the head infront of the temple, therefore the case came to be registered.



3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that A1 was granted anticipatory bail and A2 was granted bail. He would further submit that the petitioner is in judicial custody from 26.6.2020, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed the bail petition on the ground that the deceased was murdered in a gruesome manner and it is the sixth petition for bail. He would further submit that no specific overt act has been attributed as against this petitioner.

5. Taking note of the fact and circumstances of the case and also the fact that no specific overt act has been attributed as against the petitioner and also the fact that the case has been taken cognizance in S.C.No.50 of 2021 and the fact that the petitioner is in judicial custody from 26.06.2020, this Court is inclined to grant bail to the petitioner

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.VI, Madurai and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
30/06/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1.THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.
 - 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 - 3.THE OFFICER INCHARGE,
DISTRICT JAIL, THENI.
 - 4.THE INSPECTOR OF POLICE,
AVANIYAPURAM STATION, MADURAI CITY.
 - 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.S.RAJASEKRAN @ RAGAVAN, Advocate SR.No.4236

ORDER
IN
CRL OP(MD) No.8473 of 2021
Date :30/06/2021

AAV
AE/VR/SAR-II/01.07.2021/3P/7C